

REMARKS

The Official Action mailed September 9, 2004, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on August 11, 2003. **The Applicants note the *partial* consideration of the Information Disclosure Statement filed on July 24, 2003. Specifically, it appears that the Examiner inadvertently overlooked page 1 of 2 of the Information Disclosure Statement filed July 24, 2003. The Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the Information Disclosure Statement filed on July 24, 2003.**

Claims 1-10 were pending in the present application prior to the above amendment. Claims 5-10 have been canceled, claims 1-4 have been amended to better recite the features of the present invention, and new claims 11-14 have been added to recite additional protection to which the Applicants are entitled. New independent claims 11-12 are similar to claims 1-2 prior to the present amendment and further recite "wherein the island-like semiconductor layer is capable of being irradiated with light from another surface of the light-transmitting substrate through the region of the first thickness and the region of the second thickness." Accordingly, claims 1-4 and 11-14 are now pending in the present application, of which claims 1, 2, 11, and 12 are independent. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 1-4 as anticipated by U.S. Patent No. 5,965,916 to Chen. The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended. As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently

in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended. Independent claims 1-2 have been amended to recite a limitation of "an island-like semiconductor layer having a crystal structure covering the projection and extending over a pair of edges of the projection." This feature of the present invention is supported by at least Figure 12B of the present specification. It appears that Chen does not disclose this feature because, in Figure 6 of Chen, the island-like semiconductor layer 32 does not cover the projection of the base film 3 and extend over a pair of edges of the projection.

Since Chen does not teach all the elements of the independent claims as amended, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejection of claim 1-4 under 35 U.S.C. § 102 is in order and respectfully requested.

Paragraph 3 of the Official Action rejects claim 2 as anticipated by U.S. Patent No. 5,728,259 to Suzawa. Again, it is respectfully submitted that an anticipation rejection cannot be maintained since, as shown in Figure 5E of Suzawa, the island-like semiconductor layer 510/511 does not extend over the projection of base film 502. Since Chen does not teach all the elements of the independent claims as amended, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. § 102 is in order and respectfully requested.

Paragraph 4 of the Official Action rejects claims 5 and 6 as anticipated by U.S. Patent No. 4,998,152 to Batey; paragraph 5 of the Official Action further rejects claims 5-10 as anticipated by U.S. Patent Publication No. 2003/0092213 to Yamazaki; and paragraph 7 of the Official Action rejects claims 7 and 8 as obvious based on the

combination of Batey and U.S. Patent No. 6,191,476 to Takahashi. Claims 5-10 have been canceled herewith and thus each of these rejections are moot.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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